

PATENT COOPERATION TREATY

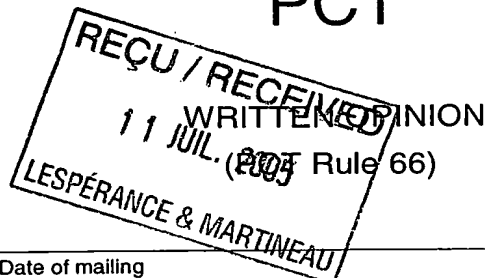
From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

NITHARDT, Roland
CABINET NITHARDT ET ASSOCIES S.A.
B.P. 1445
68071 Mulhouse Cedex
FRANCE

- 4 JUL. 2005

PCT



Date of mailing
(day/month/year)

01.07.2005

Applicant's or agent's file reference
BR 18364/M

REPLY DUE

within 1 month(s)
from the above date of mailing

International application No.
PCT/IB 03/01523

International filing date (day/month/year)
14.04.2003

Priority date (day/month/year)
14.04.2003

International Patent Classification (IPC) or both national classification and IPC
G06K19/07

Applicant
G. HOLDINGS LTD.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 14.08.2005

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Schauler, M

Formalities officer (incl. extension of time limits)

Slater, S

Telephone No. +49 89 2399-2565



JC20 Rec'd PCT/PTO 13 OCT 2009

WRITTEN OPINION

International application No. PCT/B 03/01523

I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,2,8,11,12,13
Inventive step (IS)	Claims	
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/IB03/01523

Re Item V**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following document:

D1: DE-101 46 804

1. The document D1 discloses a portable electronic device comprising an electronic circuit (3), a control device (17), a user interface device (display: 82), a data transceiver (fig 9, no 41), a data conveyance switching element (fig 3, no 26) and power means. When the portable electronic device is awakened (paragraphs 0056-0062, 0082), the switching element is activated (fig 3, no 25) and the data exchange can be initiated with the external device (terminal via controller 19 in fig 3) or with the user interface device (via controller 20 in fig 3).

Hence, the subject-matter of claims 1, 2, and 8 is not novel (Article 33(2) PCT). A corresponding objection is raised against the other independent claims (claims 11, 12, and 13).

2. Further remarks:

- In claim 1, the data transceiver and the cue receiver are claimed as two entities. From the description, however, it appears as if both devices are identical (page 8, line 26: "The transceiver is also a cue receiver..."). This renders claim 1 unclear (Article 6 PCT).
- In claim 1 it is unclear whether there is a difference between the "triggering" (line 6) and the "selective triggering" (line 17) of the control device (Article 6 PCT).
- A "series of instructions" per se, as claimed in claim 9 cannot act as a switching element, therefore rendering said claim unclear (Article 6 PCT).
- The meaning of the term "decisional logic circuit" in claim 10 is unclear (Article 6 PCT).

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/IB03/01523

- The claims should be drafted in two-part-form (Rule 6.3(b) PCT) and should be delimited in view of D1 which is considered to reflect the closest prior art..
- Claim 12 is broader than claim 1. To improve clarity and conciseness, claim 1 should be drafted as to depend on claim 12 (see also Rule 6.4 PCT).
- Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
- The features of the claims 1-15 are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).